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Extended Response to Information Request

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Russia: Situation of gays and lesbians

Research Directorate, Immigration and Refugee Board, Ottawa

The Research Directorate was able to find limited information on this subject; in particular, both written and oral sources on the situation of lesbians were scarce.

Legal Status

Homosexuality is legal in Russia (*ILGA Euroletter* Aug. 1996). In June 1998, a presidential decree was passed to lower the age of consent for both homosexuals and heterosexuals to 14 years of age, although the requisite legislation was not passed at the same time (*Our World* Summer 1998). The age of consent had been 16 years of age according to the country's most recent penal code, which came into effect 1 January 1997 (*ibid.*; Kukharsky 2 Feb. 1999).

Public Opinion

Sources stated that homophobia has been a major concern for Russia's sexual minorities, particularly in the smaller cities (Lychev 16 Feb. 1999; Kukharsky 2 Feb. 1999). According to Alexander Kukharsky, head of the St Petersburg gay and lesbian organization *Kriliya* (Wings), under the Communists, homosexuality was considered a crime or an illness, and it will take time for such perceptions to change (*ibid.*). According to the partially reported results of a national 1989 poll, 30 per cent of the population thought that gays and lesbians should be "eliminated" or "liquidated," while 10 per cent thought that they should be medically treated, and 10 per cent thought that they should be left alone (Ortanov 8 Feb. 1999). Another source cites the same poll as follows: 33 per cent supported elimination, 30 per cent supported isolation, 10 per cent supported leaving them alone and 6 per cent supported assisting them (*Homosexuality in Contemporary Russia*. 2 Oct. 1998).

According to Dmitri Lychev, editor of the gay publication *1/10*, which is produced out of Prague, the situation is qualitatively different for gays in Moscow than it is elsewhere (16 Feb. 1999). In the capital, he feels that homophobia and discrimination are not prevalent (*ibid.*). However, outside the capital, homophobia is a fact of life for almost all gays (*ibid.*).

Vladislav Ortanov, editor of the Moscow-based gay publication *Argo*, was of the opinion that

people and police are becoming more tolerant of homosexuals (8 Feb. 1999). A gay activist, Roman Kalinin, was quoted in one July 1998 article as stating that "'today the rights of gay men in Russia are not infringed on the way they were before. Nevertheless the situation is not good enough even now'" (*Gay Today* 13 July 1998).

Both Kukharsky and Lychev stated that parents can react very negatively when their children inform them that they are gay and some will simply throw their children out of the house (2 Feb. 1999; 16 Feb. 1999). Lychev stated that he and his colleagues were personally aware of over 20 such cases (*ibid.*). Often the children will move to Moscow or leave the country (*ibid.*).

Vitaly Chernetsky, Assistant Professor, Department of Slavic Languages, Columbia University, who has a special interest in gay issues in Ukraine and Russia, was able to speak only to the situation in Moscow and St. Petersburg (25 Feb. 1999). He stated that, through his local contacts and readings, he was of the impression that any improvement in the situation has been occurring very slowly (*ibid.*). He did feel that while the conservative attitudes of older people still generally prevail, younger people do tend to be somewhat more tolerant (*ibid.*). He added that because the country is so large and currently so splintered, dissemination of information about the situation of homosexuals is very poor (*ibid.*).

Organizations and Activities

According to Chernetsky, gay activism boomed between 1990 and 1994 (*ibid.*). However, there was a decline in activity with the 1993 removal of the anti-sodomy laws (*ibid.*). He added that cultural misunderstandings between Western activists and Russian gay organizations were also an encumbrance on the development of gay community organizations (*ibid.*). He was aware of some lesbian groups, but stated that there was little cooperation between them and gay organizations (*ibid.*). In a 1996 report on gay organizations throughout Eastern Europe, a gay rights activist suggested that the state of gay organizations in Moscow and St. Petersburg was at the level of Poland or Hungary, that would be "European average or standard, maybe a little bit below" (*ILGA Euroletter* Aug. 1996); however, he emphasized that this standard was unlikely to be representative of the level of gay organization throughout the country, or even in other large Russian cities (*ibid.*).

At the present time, the country's gay organizations are in disarray. Several, such as Moscow-based Triangle (a gay and lesbian group) and Aesop (a sexual health resource centre), and St. Petersburg's Tchaikovsky Foundation have closed due to financial concerns (Kukharsky 2 Feb. 1999; Lychev 16 Feb. 1999). Ortanov and Kevin Gardner, a US gay rights activist with recent links to Aesop, also indicated that Triangle was unable to get registration from the authorities, which contributed to its closure (8 Feb. 1999; Winter 1997, 4). Organizations must register with the authorities to function officially (*ibid.*, III- 2). Ortanov stated that the authorities often refuse to register gay and lesbian organizations (8 Feb. 1999).

In Moscow, there is no officially-registered organization for gays (*ibid.*). There is one help line that provides psychological help to all victims of violence, but no organization specifically for gays and lesbians (*ibid.*). There are two gay archives/libraries in the capital, which consist of information collected by two or three persons from newspapers (*ibid.*).

Since the mid-1990s, several nightclubs and bars have opened in Moscow that cater to gays and lesbians (Ortanov 8 Feb. 1999; *The Moscow Times* 20 Aug. 1998). One person interviewed for an article in the *Moscow Times* indicated that there were five gay clubs in the city (*ibid.*). Several establishments including nightclubs have opened in St. Petersburg as well (Kukharsky 2 Feb. 1999).

St. Petersburg-based *Kriliya* was registered approximately seven years ago and has set up a centre that Prof. Kukharsky calls quite prominent and well-advertised (ibid.). Their contact details are in directories and published weekly in the *St Petersburg Times* (ibid.). Ortanov, however, noted that the organization is quite small (8 Feb. 1999).

Two sources noted that the distinction between gay community organizations and businesses is not always clear (*ILGA Euroletter* Aug. 1996; Ortanov 8 Feb. 1999). Prof. Kukharsky acknowledged that young gays in St. Petersburg are less interested in being involved in political movements than in pursuing business interests (2 Feb. 1999). According to Ortanov, there are several gay groups that meet irregularly in St. Petersburg, some of which are commercial and some of which are not; the line between the two kinds of groups can be fuzzy. People tend to meet informally, he added (Ortanov 8 Feb. 1999).

There have been efforts to set up organizations outside Moscow and St. Petersburg, for example in Siberia, but the groups can be transitory (Kukharsky 2 Feb. 1999). Ortanov added that gay groups have been registered by the local authorities in many small towns and cities, such as Novosibirsk and Nizhni-Tajil (8 Feb. 1999).

Discrimination

Efforts by the Research Directorate to identify an organization responsible for maintaining records of discrimination or harassment of gays and lesbians were unsuccessful. Sources provided information based on their personal knowledge and contacts.

Ortanov stated that many employers are homophobic and gays know that they could lose their jobs if they "came out," so the majority of them try to keep their homosexuality secret (8 Feb. 1999). Furthermore, it would be very difficult to prove that a gay person was fired because of their homosexuality as there are so many people currently losing their jobs in Russia (ibid.; Lychev 16 Feb. 1999). According to Ortanov and Kevin Gardner, a US gay rights activist with recent links to the now defunct Aesop organization, there are no anti-discrimination laws that might help gay people protect their rights (8 Feb. 1999; Winter 1997). Gardner, Lychev and Ortanov all cited instances of individuals they know personally who had lost their jobs or been pressured at work and who felt that it had been due to their sexual orientation (ibid.; 16 Feb. 1999; 8 Feb. 1999). Ortanov specified that he was aware of a woman having been dismissed for similar reasons (ibid.).

According to Chernetsky, there is a new "ruthlessness" in the job market-often termed "wild west capitalism" (25 Feb. 1999). This atmosphere, in which companies feel free to place job advertisements for secretaries stipulating attractive candidates only, for example, is not conducive to developing a cultural awareness of discrimination or civil rights in the labour force (ibid.). Chernetsky noted that people's main priority at the present time is economic survival; they are not concentrating on "political emancipation" (ibid.).

Relations with Police

In July 1997, the gay bar "Chance" was raided by police and 40 men were arrested (LGIRTF Summer 1997). According to activists, patrons were allegedly forced to sign false drug test results, and some were beaten and abused while held for several hours in detention (ibid.; Ortanov 8 Feb. 1999; Chernetsky 25 Feb. 1999).

According to Ortanov, other incidents of harassment of gays have been published in the media (8 Feb. 1999). He stated that attacks in gay clubs, by either police or private persons

happened "more or less often" in Moscow and were a "well-known phenomenon" in the capital at some, although not all, gay clubs (ibid.). While he had also heard of cases in smaller cities, he was most familiar with the situation in Moscow (ibid.). He mentioned that at the end of 1998, members of a special drug squad raided Moscow's mixed (gay, lesbian and heterosexual) club "Chameleon" (ibid.). Some people were reportedly beaten during the raid but, according to Ortanov, there was no real or potential connection to drugs (ibid.).

Ortanov mentioned that there are problems with police brutality in other circumstances as well (8 Feb. 1999). He stated that in early 1999, two gay men claimed to have been beaten by police after they were picked up for being drunk; one man subsequently died (ibid.). The police claim they were beaten elsewhere (ibid.). No further information on this case could be found in the sources consulted by the Research Directorate.

According to Chernetsky and Ortanov, these things do not happen only to gays (25 Feb. 1999; 8 Feb. 1999). Many people claim they have been beaten by the police after they have been picked up for small offences, such as being impolite or drunk (ibid.). Ortanov suggested that the police might be less secretive about beating gay men, because many police are homophobic (ibid.).

Ortanov spoke about an individual who was beaten in his home by a gay-basher (ibid.). The police did not assist the individual and pressured him not to include in his statement that he had been beaten, only that he had been robbed (ibid.). Ortanov stated that acquaintances of the victim are trying to start an investigation through the prosecutor's office (ibid.).

Kukharsky, Lychev and Ortanov were not aware of incidents of the "mafia" targeting gays for blackmail (27 Jan. 1999; 16 Feb. 1999; 8 Feb. 1999). Ortanov stated that it might occur, but that those who would be targeted would probably be those holding significant positions and would therefore be unlikely to make the blackmail public (ibid.).

Chernetsky stated that the term "mafia" implies a level of organization that does not truly characterize Russia's organized crime, and he stated that there are often connections between organized criminals and the country's police forces (25 Feb. 1999). He is of the opinion that Russia no longer operates like a police state, where the average citizen is watched at all time and in constant threat of random harassment or abuse (ibid.). However, he indicated that people in the public eye, such as people involved in news reporting, who are seen as being trouble makers, might be in some danger from police or organized criminals associated with them (ibid.). He spoke in particular about one man who wrote about issues such as the difficulties faced by gays in prison (ibid.; LGIRTF Fall 1996). He left Russia in 1995 following persistent difficulties such as violent threats, extortion, and "political and legal harassment" and was eventually granted asylum in the United States (ibid.; Chernetsky 25 Feb. 1999). Chernetsky believes these types of incidents have caused a "chill" among gay or gay-friendly journalists and publications (ibid.).

Recourse

According to Lychev, gays are reluctant to turn to the police because they fear being exposed and the possibility of being blackmailed by them (16 Feb. 1999). He expressed the opinion that gays had more to fear from law enforcement officials in Russia than from organized crime (ibid.).

According to Chernetsky, the legal system in Russia is arbitrary and miscarriages of justice are common; as a result, there is no point in filing suits in cases of discrimination (25 Feb. 1999). Lychev stated that in the provinces, people would not approach the justice organs for fear of being exposed (16 Feb. 1999). Nor would they use psychological counselling for the same reason (ibid.). In Moscow, the costs of such services would put them out of the reach of most people (ibid.).

Gay Publications

Publications for gays have existed for approximately nine years, although their publication and distribution are currently erratic (ibid.). They include two gay newspapers and several magazines, including *Argo*, edited by Ortanov, *Risk*, which covers cultural issues, both of which are published in Russia, and *1/10*, which is published by Dmitri Lychev out of Prague (Chernetsky 25 Feb. 1999; Ortanov 8 Feb. 1999). There are also other local and irregular publications (ibid.). Kukharsky estimated there are approximately ten gay and lesbian magazines and newspapers currently being distributed in Russia today, all of which appear on an irregular basis due to funding difficulties (27 Jan. 1999). He noted that problems publishing material for the gay community have less to do with censorship than with financial concerns (ibid.). Most gay periodicals have folded and many of those that are still running operate out of Prague (Chernetsky 25 Feb. 1999). In addition to the funding problem, the system for the distribution of periodicals in general in Russia has virtually stopped functioning (ibid.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Some Internet sources cited in this Response may contain information or images, or electronic links to information or images, that individuals might find offensive.

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